

503-99/H.H.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
MAERSK, INC. and A.P. MOILLER-MAERSK A/S,

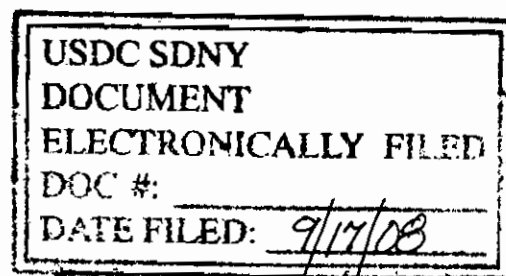
Plaintiffs,

05 CV 4356
(CM)(DFE)

-against-

ORDER

NEEWRA, INC., REDNIHOM, INC., AREF HASSAN ABUL INC., ARWEEN SINGH SAHNI a/k/a ARWEEN SAINI SINGH a/k/a ARWEEN SAHNI a/k/a ARWEEN SINGH a/k/a ABUL SABAH a/k/a AREF HASSAN ABUL, MOHINDER SINGH SAHNI a/k/a MOHINDER SAINI SINGH a/k/a MOHINDER SAHNI a/k/a MOHINDER SINGH a/k/a MOHINDER SINGH SAHANI a/k/a MOHINDER SAHANI a/k/a MOHINDER SAIANI SINGH a/k/a JOGINDER SINGH SAHNI, JOGINDER SINGH SAHNI a/k/a JOGINDER SINGH SAHNI a/k/a JOGINDER SAINI SINGH a/k/a JOGINDER SINGH a/k/a JOGINDER SAHNI a/k/a JOGINDER SINGH a/k/a JOGINDER SAINI, SABHARWAL CHANDRA KUMAR a/k/a SABHARWAL K. CHANDRA, MANDEEP SINGH SAINI a/k/a MOHINDER SINGH a/k/a MOHINDER SAHNI a/k/a MOHINDER SINGH SAHNI a/k/a MOHINDER SAHANI a/k/a MOHINDER SINGH SAIANI, HELP LINE COLLECTION CO. W.L.L., PARKER DAWOOD TAJUDDIN TAJUDIS ISMAIL PARKER, SARDAR TRADERS EST., SARDAR INTERNATIONAL TRADING CO., AL TAMASOK AL ARABI EST., JOHN DOE 1-100 (fictitious) and JOHN DOE INC. 1-100 (fictitious),

Defendants.
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Upon the application of certain defendants to have their depositions taken in Kuwait and for related relief, and upon the opposition of plaintiffs to take those depositions in Kuwait who instead request that those depositions go forward in New York, and for the reasons set forth during the telephone conference held on September 10, 2008 and as ~~will be~~ set forth in ~~a forthcoming written decision~~ *my Memorandum and Order dated September 17, 2008,* it is hereby

ORDERED that the depositions of defendants Joginder Singh Sahni, Parker Dawood Tajuddin Tajudis Ismail Parker and Help Line Collection Co. will be taken in

New York at the offices of Plaintiffs' counsel, Frechill Hogan & Mahar, LLP, 80 Pine Street, New York, New York, 10005 unless the parties agree to take such depositions elsewhere; and it is hereby further

O R D E R E D that Plaintiffs, jointly and severally, shall reimburse the aforementioned defendants 25% of their respective costs of ~~airfare~~ ^{round-trip} (business class or coach) to travel to New York from Kuwait in advance of such travel. This cost shall be demonstrated by said defendants by production of ticket receipts and credit card statement showing proof of payment; and it is hereby further

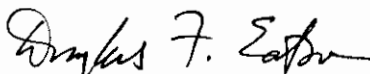
O R D E R E D that if at the depositions, said defendants answer all the questions put to them (except for such questions that I may rule need not be answered), do not engage in delay tactics, and do not refuse to answer questions and otherwise offer complete compliance to Plaintiffs in the taking of their depositions, then Plaintiffs, jointly and severally, shall ^{promptly} reimburse the aforementioned defendants a further 25% of the cost of ~~their airfare~~ ^{round-trip airfare} (business class or coach) to travel to New York from Kuwait; and it is hereby further

O R D E R E D that at the conclusion of this case, if Plaintiffs succeed against these three defendants, or any of them, they may make application (in addition to anything else to which Plaintiffs are entitled) for an award of such costs as they have paid as set forth in this order above, and if on the other hand, these three defendants, or any of them, succeed against Plaintiff, then any such successful defendant may make application (in addition to anything else to which such Defendant is entitled) for any incurred travel costs with respect to such deposition not reimbursed as set forth above; and it is hereby further

ORDERED that judgment is reserved with respect to the application made by Defendant Mohinder Singh Sahni to preclude a second deposition of him or in the alternative to require his deposition be taken in Kuwait until such time as the parties have briefed this issue to the Court; and it is hereby further

ORDERED that judgment is also reserved with respect to an anticipated application yet to be made by Defendant Mandeep Singh Sahni until he has been served, retained counsel, and briefing is made to the Court.

Dated: New York, New York
September 17, 2008



The Hon. Douglas F. Eaton, U.S.M.J.